

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Josef OTT**

Docket No: (not yet assigned)

Appl. No.: National stage of PCT/CH 2004/000700

Group Art Unit: (not yet assigned)

Confirmation No: (not yet assigned)

Examiner: (not yet assigned)

Filed: (to be filed)

For: **SEAL FOR EFFECTING A SEALING BETWEEN PARTS HAVING LIMITED MOBILITY**

**DECLARATION OF STEFAN HARKE**

Commissioner for Patents  
Washington, C.C. 20231

Sir:

I, Stefan HARKE hereby delares and states:

**THAT this declaration concerns the circumstances under which the invention described and claimed in PCT International Application PCT/CH 2004/000700 „Seal for effecting a sealing between parts having limited mobility“ was made**

**THAT this declaration cerncerns the facts relating to to the refusal of Mr. Josef OTT, named inventor, to sign the application papers of U.S. Patent Application, corresponding to PCT International Application PCT/CH 2004/000700**

**THAT I am the Manager Laboratory and Measurement Engineering of Weidmann Plastics Technology AG**

**I.**

**THAT Mr. Josef OTT, whose home address according to the company records of Weidmann Platics Technology AG and the telephone book is Sonnenrainstrasse 10, 8735 St. Gallenkappel, Switzerland, was employed with Weidmann Groupe since 1.10.1985 and with Weidmann Plastics Technology AG since July 1, 2000 (Exhibit 9 with translation in Exhibit**

11). In the years 2002 to his discharge in 31.5.2005 he had the position of Chief Officer for the acquisition of tools and molds. Among his duties in the year 2002 and 2003 was according to the declaration of employment goals („Zielvereinbarung“ Exhibit 1) under 4. development of tool/mold conceptions and development of details and under 6. Support in optimizing tools/molds for internal and external production. Additional goals were among others under 1. development and under 2. Support in new technologies.

**THAT** in this position Mr. Josef OTT was working on the invention of above mentioned PCT/CH 2004/000700. Mr. Josef OTT was accordingly named as inventor for such PCT/CH 2004/000700 in the application procedure before the WIPO.

## II.

**THAT** Mr. Josef OTT's employment was terminated on 31.5.2005 due to internal restructuring. In order to pursue the PCT International Application PCT/CH 2004/000700, Weidmann Plastics Technology AG mandated Stefan Day, Attorney at Law, to write Mr. Josef OTT on August 26, 2005 to sign the necessary papers for the transfer of the invention and the power of attorney to process the U.S. Patent Application (Exhibit 2 including the enclosures sent to Mr. Josef OTT, namely (1) Assignment of Patent Application (Exhibit 3) and (2) Combined Declaration and Power of Attorney (Exhibit 4) with translation of Exhibit 2 in Exhibit 5). On information and belief, Mr. Day sent the foregoing materials to Mr. Ott at his home address. On information and belief Mr. Josef OTT did not respond within 3 weeks, and a reminder with a full set of the first letter and the enclosed documents to be signed was sent to Mr. Josef OTT at his home address on September 20, 2005, receipt of which was acknowledged by Mr. Josef OTT on September 22, 2005 (Exhibit 6 and receipt as Exhibit 7 with translation of Exhibit 6 in Exhibit 8).

**THAT** since Mr. Josef OTT did not respond within the time limit set, Weidman Plastics Technology AG asked Stefan Day to contact Mr. Josef OTT by phone and see if the signatures could be obtained. On Information and belief Stefan Day was able to reach Josef OTT on October 12, 2005 and informed Weidman Plastics Technology AG that Mr. Josef OTT on one side did acknowledge that he was of the opinion that the invention of PCT/CH 2004/000700 did belong to Weidmann Plastics Technology AG but that he on the other hand refused to sign any further documents unless he would receive a remuneration for such

signature in the amount of CHF 70'000.

**III.**

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed in Rapperswil, Switzerland on May 8, 2006



Dr. Stefan Harke

**Weidman Plastics Technology AG**